

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONEYCAT, LTD.,)
)
)
Plaintiff,)
)
)
v.) C.A. No. 13-1358 (MSG)
)
)
PAYPAL, INC.,)
)
)
Defendant.)

**DEFENDANT'S MOTION FOR LEAVE TO FILE
A REPLY BRIEF IN SUPPORT OF ITS MOTION TO
TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA**

Pursuant to the Policies and Procedures of Judge Goldberg, Defendant PayPal, Inc. (“PayPal”) respectfully requests leave to file its Reply Brief (a copy of which is attached as Ex. A) in support of its Motion to Transfer Venue to the Northern District of California (D.I. 34) in order to rebut issues and factual assertions not covered by PayPal’s original Motion.

Under Delaware Local Rules 7.1.2(b) and 7.1.3(a)(4), a moving party may file a 10-page reply within 7 days of the responsive papers. In the letter submitted to the Court on February 12, 2014 requesting a one week extension for MoneyCat’s response, the parties agreed that PayPal could file a reply brief by March 10, 2014. D.I. 41.

In any event, MoneyCat Ltd.’s (“MoneyCat”) Opposition to PayPal’s Motion to Transfer Venue to the Northern District of California (“Opp.”) raises issues and factual assertions not covered by PayPal’s original Motion. PayPal’s reply is narrowly crafted to address those new issues and assertions. For example, the Opposition incorrectly characterizes the motion to transfer as being untimely. For the reasons explained in the reply, PayPal did not know—and could not have known—the scope of the accused products until December 20, 2013.

PayPal respectfully submits it should be permitted to file its Reply Brief in accordance with Delaware local rules and to address issues and facts that MoneyCat raised in its opposition.

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March 10, 2014
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RULE 7.1.1 CERTIFICATION

I hereby certify that counsel for Defendant has raised the subject of the forgoing Motion with counsel for Plaintiff. MoneyCat stated that it reserves “its right to object to the content of [PayPal’s] reply (and the filing thereof) to the extent it contains new facts and issues set forth in [its] opening brief that are not suitable and inappropriate for a reply” but that “it cannot make such a determination until [it] review[s] the proposed reply.” March 7, 2014 Seth Goldman email.

/s/ Paul Saindon

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2014, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 10, 2014, upon the following in the manner indicated:

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